

HOUSE BILL 2849
By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 65,
Chapter 31, relative to the "Underground Utility
Damage Prevention Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-31-105(a), is amended by deleting the first sentence of this subsection, and by substituting instead the following:

Each operator, except operators participating in a one-call service, having underground facilities in a county, including those facilities that have been abandoned in place by the operator but not yet physically removed, shall file a notice with the register of deeds of such county which states that such operator has underground utilities located in that county, the name of the operator and the name, title, address, telephone number and e-mail address (provided the representative has an e-mail address) of its representative designated to receive the written, telephonic or electronic mail (e-mail) notice of intent required by §65-31-106.

SECTION 2. Tennessee Code Annotated, Section 65-31-106, is amended by deleting the language, "written or telephonic" wherever such language appears and by substituting instead the language "written, telephonic or electronic mail (e-mail)".

SECTION 3. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting the language, "and telephone number", and by substituting instead the language, "telephone number and e-mail address".

SECTION 4. Tennessee Code Annotated, Section 65-31-106(b), is amended by deleting in the last sentence of this subsection the language "should" and by substituting instead

the language "shall"; and by deleting in the last sentence of this subsection the language, "other marking devices" and by substituting instead the language, "white paint".

SECTION 5. Tennessee Code Annotated, Section 65-31-106(c), is amended by deleting the language "by telephone" and by substituting instead the language "by telephone or electronic mail (e-mail)".

SECTION 6. Tennessee Code Annotated, Section 65-31-107(a), is amended by deleting the following language:

A one-call service that provides such service on behalf of operators having underground utilities in Tennessee shall file with the register of deeds of the county in which those utilities are located, the telephone number and address of the one-call service, a description of the geographical areas served by the one-call service, and a list of the names and addresses of all operators receiving such service from the one-call service.

SECTION 7. Tennessee Code Annotated, Section 65-31-108(a), is amended by adding the following sentence at the end of this subsection:

In the event more than one operator uses the same color code under this subsection, each operator using the same color shall include a distinctive marking, such as the initials of the operator's name or other marking, which appropriately identifies each operator and sufficiently distinguishes each operator's marking from any other operator authorized to use the same color under this subsection.

SECTION 8. Tennessee Code Annotated, Section 65-31-108, is amended by redesignating subsections (b) through (g) to be subsections (c) through (h) and by adding the following new subsection (b):

(b) Each operator participating in a one-call service which has been notified in accordance with §65-31-106 shall notify the one-call service that the operator has

marked the approximate location of all of its underground utilities as required by this section or that the operator has no underground utilities in the proposed area of excavation. The operator shall provide this notice to the one-call service in accordance with procedures adopted by the one-call service for this notification. This notice shall fulfill the operator's obligation set forth in subsection (e).

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.